

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LAURIE CANAVAN,

Plaintiff,

v.

RITA ANN DISTRIBUTORS et al,

Defendants.

Civil No. CCB 03-CV-3466

**PLAINTIFF'S MOTION IN LIMINE REGARDING
EVIDENCE THAT PLAINTIFF'S MEDICAL EXPENSES WERE INSURED**

Plaintiff Laurie Canavan moves the Court, pursuant to Fed. R. E. 401 and 403 to exclude evidence at trial concerning the fact that some of her post-termination medical expenses were paid for governmental payers, such as Medicaid or similar social welfare programs.¹

As grounds for this motion, the fact that an insurance carrier or governmental entity paid for medical expenses is not admissible in evidence under the collateral source rule. The collateral source rule holds that evidence is not admissible to show that an injured plaintiff has been compensated for his injury under an accident insurance policy, because the liability of a defendant for injuries inflicted is not relieved or reduced by compensation paid to the injured person from a collateral or independent source. Sprinkle v. Davis, 111 F. 2d 925, 931 (4th Cir. 1949).

Acknowledging the prejudicial effect of such evidence, this Court has recognized that there is "a strong policy in the courts of limiting references to payments from other sources where possible, in order to prevent any prejudicial impact on the jury." Hawkins v. United

¹ This motion also includes the fact that some of Plaintiff's newborn infant's medical expenses were likewise covered by Medicaid or other welfare benefits.

Overseas Export Lines Inc., 490 F. Supp. 138, 142 (D. Md. 1980).

Accordingly, Plaintiff moves to exclude from the trial any evidence of, or reference to, the fact that her own and her children's post-termination medical expenses were paid for by other third-party sources, such as welfare or Medicaid benefits.

Respectfully submitted,

/s/ _____
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